



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/556,647	04/24/2000	Mitchell R. Bauer	8778.00	7493
29994 7590 05/15/2008 DOUGLAS S. FOOTE NCR CORPORATION 1700 S. PATTERSON BLVD. WHQ5E WHIO-5E DAYTON, OH 45479				
EXAMINER				
ELISCA, PIERRE E				
ART UNIT		PAPER NUMBER		
3621				
MAIL DATE		DELIVERY MODE		
05/15/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/556,647

Applicant(s)

BAUER, MITCHELL R.

Examiner

Pierre E. Elisca

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-20, 22, 31-38 and 40-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-20, 22, and 31-38 is/are allowed.
- 6) ☒ Claim(s) 40-49 is/are rejected.
- 7) ☒ Claim(s) 50 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-884)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

1. This communication is in response to Applicant's response filed on 01/24/2008.
2. Claims 15-18, 19, 20, 22, 31-38, 40-50 remain pending.

Allowable Subject Matter

3. Claims 15-20, 22, and 31-38 are allowed over the prior art.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 40-49 are rejected under 35 U.S.C. 102 (e) as being anticipated by Salvo et al (U.S. Pat. No. 6,341,271 B1).

Salvo discloses a method of selecting a raw material for manufacturing a pressure sensitive material product therefrom comprising:

Storing in a computer system a list of different raw materials, with each of said raw materials having various customer application criteria stored therewith, and said

criteria being indicative of intended application of said raw material in a product, said customer application criteria comprises print method, adhesive type, minimum temperature for adhesive type, service range of adhesive type, and facestock type, populating a plurality of filter lists corresponding with said stored customer application criteria for said different raw materials, displaying a material browser including a plurality of filters corresponding with said filter lists, selecting one of said filter lists and specifying a filter criterion therein, filtering said list of raw materials to obtain a filtered list thereof matching said filter criterion, and displaying in said browser said filtered list of raw materials matching said filter criterion (see., abstract, col 1-col 7).

6. Claims 40-49 are rejected under 35 U.S.C. 102 (e) as being anticipated by Purcell (U.S. Pat. No. 5,940,807).

Salvo discloses a method of selecting a raw material for manufacturing a pressure sensitive material product therefrom comprising:

Storing in a computer system a list of different raw materials, with each of said raw materials having various customer application criteria stored therewith, and said criteria being indicative of intended application of said raw material in a product, said customer application criteria comprises print method, adhesive type, minimum temperature for adhesive type, service range of adhesive type, and facestock type, populating a plurality of filter lists corresponding with said stored customer application criteria for said different raw materials, displaying a material browser including a plurality of filters corresponding with said filter lists, selecting one of said filter lists and specifying

a filter criterion therein, filtering said list of raw materials to obtain a filtered list thereof matching said filter criterion, and displaying in said browser said filtered list of raw materials matching said filter criterion (see., abstract, col 1-col 10).

Claim Objections

7. Claim 50 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

RESPONSE TO ARGUMENTS

8. Applicant's arguments with respect to claims 40-49 have been fully considered but they are not persuasive.

REMARKS

9. In regard to Applicant's arguments filed on 01/24/2008, Applicant argues that neither Salvo nor Purcell recites "adhesive, or glue or minimum temperature". However, the Examiner disagrees with this assertion since Salvo discloses an indicator 108 that comprises a level sensor, a weight indicator, a volume analyzer, and other devices that permit determination of the amount of inventory in a receptacle. Further the indicator 108 may also measure amount influencing variables, such as humidity, temperature. Please note that must printing machine have a plurality of variables or

futures such as adhesive or glue. Therefore, it is inherent to realize that the controller 108 of Salvo is capable of monitoring minimum temperature, adhesive or glue.

Conclusion

10. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 571 272 6706. The examiner can normally be reached on 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on 571 272 6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ Pierre E. Elisca/
Primary Examiner, Art Unit 3621